



# AGRICULTURAL COUNCIL OF CALIFORNIA

REPRESENTING FARMER COOPERATIVES SINCE 1919

May 9, 2006

Docket Clerk  
Fruit & Vegetable Programs AMS, U.S.D.A.  
1400 Independence Avenue, SW  
Mail Stop 0243  
Washington, DC 20250-0243

Re. Docket Number FV06-1290-1PR  
FR Vol. 71, No. 76, pages 20353-20357

To Whom It May Concern:

On behalf of the Agricultural Council of the California, representing 41 agricultural marketing, bargaining, supply and service cooperatives, I'm writing in response to the above referenced proposed rule relating to the Specialty Crop Block Grant Program. My organization represents cooperatives that process, pack and/or market a number of fresh, processed, dried and frozen specialty crop products.

We commend the Agricultural Marketing Service for proposing a regulation that is intended to increase the competitiveness of specialty crop agriculture in the U.S.A. We understand the delicate balance that must be struck in order to maintain the requisite amount of flexibility but also have some baseline rules on the use of these federal dollars. Accordingly, we are compelled to comment on §1290.4(a), which deals with the eligibility of projects under the program and specifically provides that priority be given to "fresh" specialty crop projects.

We strongly object to the specific reference to "fresh" because the wording gives one group of specialty crop products (fresh market) a priority over other specialty crops that are canned, dried, frozen or processed. We don't understand the logic or need for this important distinction. Nor do we agree with the need to provide preferential treatment for one particular category of specialty crops. This wording is even more problematic because nowhere in the statutory definition of specialty crops does the language differentiate between "fresh" and other fruits and vegetables, whether they are canned, dried, frozen or in any other way processed. Moreover, the authorizing legislation, the Specialty Crop Competitiveness Act of 2004 (7 USC 1621) makes no such distinction nor confers any priority on "fresh" specialty crops.

We believe that it was the intent of Congress to include all specialty crops in the new program. In doing so, it was acknowledged that dried, frozen and processed products provide important alternative market opportunities for fresh commodities, and in many instances, are the only available outlets. Given the legislative history behind the Act, we don't understand why AMS is now seeking to establish a priority for "fresh". Additionally, this action directly conflicts with the 2005 Dietary

Guidelines for Americans issued by USDA which recommends the consumption of a variety of fruits and vegetables without distinguishing between fresh, frozen, canned or dried products. It also ignores statements from numerous organizations including the American Dietetic Association and American Institute for Cancer Research that canned and frozen fruits are as nutritious as fresh fruits, sometimes even more so.

The Agricultural Council believes that the Department's emphasis should be promoting increased fruit and vegetable consumption as part of a well rounded nutritious diet for all Americans, and not singling out one particular category of fruits and vegetables. It's also contrary to sound public policy to create a priority for one type of specialty crop over another in a block grant program without statutory authority. For these reasons, we respectfully request that this special priority for "fresh" crops be removed from any final rule the agency seeks to promulgate.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Gordon", with a stylized flourish at the end.

Donald G. Gordon Jr.  
President